

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PATRICIA CUMMINGS,

Plaintiff, :

19 CV 7723 (CM)(OTW)

- against -

**NOTICE OF MOTION**

THE CITY OF NEW YORK, *et al.*,

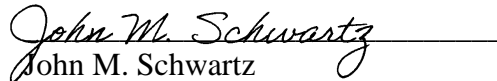
Defendants. :  
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**PLEASE TAKE NOTICE** that upon the Amended Verified Complaint (ECF No. 100), the Declaration of John M. Schwartz dated June 25, 2020, with Exhibit annexed, and the accompanying Memorandum of Law and all the pleadings and proceedings heretofore had herein, the undersigned counsel for Defendant New York State Senator Kevin S. Parker (“Senator Parker”) will move this Court, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, before the Honorable Colleen McMahon, United States District Judge, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Verified Complaint as against Senator Parker, on the ground that the Amended Verified Complaint fails to state a claim upon which relief can be granted against Senator Parker, and granting such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that all papers in opposition to this motion are to be served on or before July 9, 2020.

Dated: New York, New York  
June 25, 2020

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State of New York  
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By:

  
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(via ECF)